

PLEASE RECEIPT AND RETURN

Warrant of Removal (After Waiver of Hearing)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

DANIEL ORTEGA

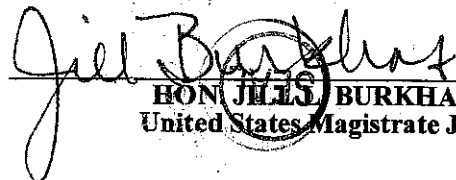
Magistrate Case No. 21MJ2081

WARRANT OF REMOVAL
(After Waiver of Hearing)

To: United States Marshal

An indictment having been filed in the Northern District of California, charging defendant **DANIEL ORTEGA** with Failure to Appear, in violation of 18 U.S.C. Section 3146; and the above-named defendant having been arrested in this district and, after waiving hearing pursuant to Federal Rules of Criminal Procedure 5(c) and 5.1(a), having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the Northern District of California and there deliver him to the United States Marshal for that district or to some other officer authorized to receive him.


HON. J. L. BURKHARDT
United States Magistrate Judge

Dated at San Diego, California, this 3 day of June, 2021.

RETURN

District of Arizona

SS

Received the within warrant of removal the _____ day of _____, 2021, and
executed same.

U. S. Marshal

By _____
Deputy Marshal

66-6-141 6-NOV 1997

40/6-6768884100
01/12/97

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

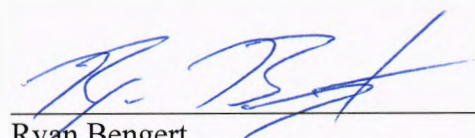
CASE NUMBER: '21 MJ02081

The person charged as Daniel Ortega now appears before this United States District Court for an initial appearance as a result of the following charge having been filed in the United States District Court for the Northern District of California: Failure To Appear, in violation of 18 U.S.C. § 3146.

The court order and warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

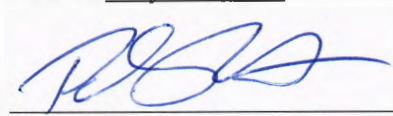
DATED: May 24, 2021



Ryan Bengert
Deputy United States Marshal

Reviewed and Approved

Dated: May 24, 2021



Peter S. Horn
Assistant United States Attorney

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

v.

WARRANT FOR ARREST**Daniel Ortega**Case Number: **CR-06-00589-JF**

To: The United States Marshal
 and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest **Daniel Ortega**
 and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint
☒ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with:

Failure to Appearin violation of Title **18** United States Code, Section(s) **3146****Cita F. Escolano**

Name of Issuing Officer

Cita F. Escolano

Signature of Issuing Officer

Bail fixed at \$ **NO BAIL**

by

Deputy Clerk

Title of Issuing Officer

2/20/97, San Jose, CA

Date and Location

Howard R. Lloyd

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant

Date received

Name and Title of Arresting Officer

Date of Arrest

ORIGINAL WARRANT HELD BY
U.S. MARSHALS, SAN JOSE

NOTIFY ABOVE OFFICE UPON ARREST
DO NOT MAKE RETURN ON THIS COPY

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

Southern District of Florida Venue

FILED

JAN 16 2007

Petition for Summons for Offender Under Supervision

Name of Offender: Daniel Ortega Docket No.: CR 06-00589-01 JF

Name of Sentencing Judge: James Lawrence King
United States District Judge

Date of Original Sentence: July 3, 2001

Original Offense: Importation of Heroin, 21 U.S.C. § 952(a), a Class B felony

Original Sentence: 87 months custody, 4 years supervised release

Special Conditions: Drug/alcohol treatment; comply and cooperate with ICE

Prior Form(s) 12: On August 28, 2006, jurisdiction was transferred to the Northern District of California from the Southern District of Florida.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: To Be Assigned

Date Supervision Commenced: June 19, 2006
Defense Counsel: (AFPD)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on February 8, 2007, at 9:30 a.m.

I, Sonia Lapizco, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Daniel Ortega
CR 06-00589-01 JF

Page 2

Charge Number

Violation

One

There is probable cause to believe that the offender violated the Court Order, stating that the offender shall not commit any other federal, state or local crime.

On November 18, 2007, incident to a traffic violation, the offender was contacted by Santa Clara County Sheriff's Office (SCCSO) Deputy Moore (Badge #1908) on Nordyke Drive and Westboro. As evidenced in the incident report (06-321-0430E), Deputy Moore observed the offender speeding, then failing to come to a complete stop at the above noted intersection. Given the aforementioned, Deputy Moore initiated a traffic stop.

According to Deputy Moore, the offender had bloodshot/watery eyes and slurred speech. When questioned by Deputy Moore, the offender admitted he had a "glass of wine" in the car. Deputy Moore found a 16 ounce styrofoam cup, containing a tequila and soda mixture. The offender consented to field sobriety testing, which he failed. The offender also consented to a breathalyzer test, which yielded .171% blood alcohol concentration at 11:37 p.m., and .163% blood alcohol concentration at 11:43 pm. Deputy Moore concluded that the offender was driving under the influence of alcohol, for which he placed the offender under arrest.

Two

There is probable cause to believe that the offender violated standard condition number one, which states that the defendant shall participate in drug/alcohol aftercare treatment program, which may include testing, as directed by the probation officer.

On August 14, 2006, I referred the offender to code-a-phone testing with our contract provider, Weyland Consultation Services. On November 6, 2006, the offender was referred to our new contractor, Pathway Society, under the same protocol. The offender, however, failed to appear for testing on December 7, 11, and 18, 2006, as well as January 2 and 8, 2007, as evidenced on the Missed U.A. Memos received from Pathway Society on the same dates.

Three

There is probable cause to believe that the offender violated standard condition number eight, which states that the defendant shall not purchase, possess, use, distribute or administer any controlled substance.

On September 25, 2007, the offender reported to the U.S. Probation Office and submitted a urine specimen, which tested positive for Cocaine. On November 9, 2006, the offender was queried by U.S.

Daniel Ortega
CR 06-00589-01 JF

Page 3

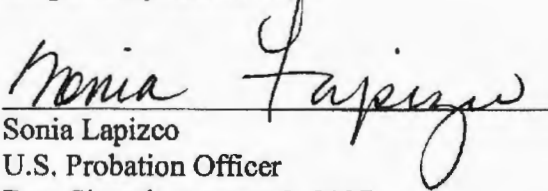
Probation Officer Brian Casai, at which point the offender admitted purchasing and ingesting a "\$10 one-shot."

Evidence of this violation can be found in Scientific Testing Laboratories confirmation in reference to specimen ID#A00033575.

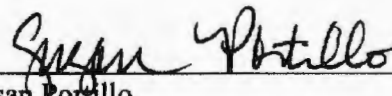
Address of offender: 4430 Pitch Pine Court
San Jose, CA 95136

Based on the foregoing, there is probable cause to believe that Daniel Ortega violated the conditions of his supervision.

Respectfully submitted,


Sonia Lapizco
U.S. Probation Officer
Date Signed: January 9, 2007

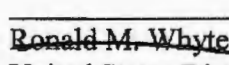
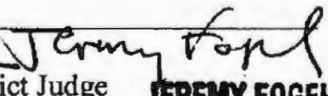
Approved as to form:


Susan Portillo
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of revocation proceedings on February 8, 2007 at 9:30 a.m.
☐ Other:

1-11-07
Date


United States District Judge 
JEREMY FOGEL

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CLOSED

**U.S. District Court
Southern District of California (San Diego)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-02081-MSB All Defendants**

Case title: USA v. Ortega

Date Filed: 05/24/2021

Date Terminated: 06/04/2021

Assigned to: Magistrate Judge Michael S.
Berg

Defendant (1)**Daniel Ortega***TERMINATED: 06/04/2021*

66982004

represented by **Federal Defenders**

Federal Defenders of San Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8467

Fax: (619)687-2666

Email: casd_ecf@fd.org*TERMINATED: 05/25/2021**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment***Holly A Sullivan**

Federal Defenders of San Diego Inc.

225 Broadway Ste 900

San Diego, CA 92101

619-234-8467

Fax: 6196872666

Email: Holly_Sullivan@fd.org*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18:3146 - Failure to Appear

Disposition**Disposition****Plaintiff**

USA

represented by **U S Attorney CR**
 U S Attorneys Office Southern District of
 California
 Criminal Division
 880 Front Street
 Room 6293
 San Diego, CA 92101
 (619)557-5610
 Fax: (619)557-5917
 Email: Efile.dkt.gc2@usdoj.gov
TERMINATED: 05/24/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant United States
Attorney

Julie Anne Bauman

United States Attorney's Office
 880 Front Street
 Room 6293
 San Diego, CA 92103
 619-546-4262
 Email: julie.bauman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant United States
Attorney

Date Filed	#	Docket Text
05/22/2021		Arrest of Daniel Ortega (no document attached) (cdw) (Entered: 05/24/2021)
05/24/2021	<u>1</u>	OUT OF DISTRICT COMPLAINT as to Daniel Ortega. (Attachments: # <u>1</u> Info Sheet)(cdw) (Entered: 05/24/2021)

05/24/2021	2	Set/Reset Duty Hearings as to Daniel Ortega: Initial Appearance - ODC set for 5/24/2021 before Magistrate Judge William V. Gallo. (no document attached) (lrc) (Entered: 05/24/2021)
05/24/2021	3	NOTICE OF ATTORNEY APPEARANCE Julie Anne Bauman appearing for USA. (Bauman, Julie)Attorney Julie Anne Bauman added to party USA(pty:pla) (fth). (Entered: 05/24/2021)
05/24/2021	5	Minute Entry for proceedings held before Magistrate Judge William V. Gallo: Initial Appearance - Out of District Complaint as to Daniel Ortega held on 5/24/2021. Defendant consents to VTC. The Court accepts oral proffer and confirms the appointment of counsel. Federal Defenders appointed for Daniel Ortega. Bond set as to Daniel Ortega (1) No Bail. (Removal/ID Hearing set for 6/3/2021 09:30 AM before Magistrate Judge Michael S. Berg.) (Interpreter Paula Navarro-Gomez). (CD# 5/24/2021 WVG 21-1:2:45-2:50). (Plaintiff Attorney Peter Horn AUSA). (Defendant Attorney Blake Eaton FD-S/A). (no document attached) (aje) Modified on 5/25/2021 (aje). (Entered: 05/25/2021)
05/24/2021	6	***Spanish Interpreter needed as to Daniel Ortega (no document attached) (aje) (Entered: 05/25/2021)
05/25/2021	4	NOTICE OF ATTORNEY APPEARANCE: Holly A Sullivan appearing for Daniel Ortega (Sullivan, Holly)Attorney Holly A Sullivan added to party Daniel Ortega(pty:dft) (jcj). (Entered: 05/25/2021)
06/02/2021	7	NOTICE OF CHANGE OF HEARING (JUDGE AND TIME ONLY) as to Defendant Daniel Ortega. Removal/ID Hearing set for 6/3/2021 at 10:00 AM before Magistrate Judge Jill L. Burkhardt. (no document attached) (mxn) (Entered: 06/02/2021)
06/03/2021	8	WAIVER of Rule 5 Hearings by Daniel Ortega (zda) (Entered: 06/04/2021)
06/03/2021	9	WARRANT of Removal to Northern District of California Issued as to Daniel Ortega. (zda) (Entered: 06/04/2021)
06/03/2021	11	Minute Entry for proceedings held before Magistrate Judge Jill L. Burkhardt: Defendant consents to VTC. Removal/ID Hearing as to Daniel Ortega held on 6/3/2021. Waiver submitted. Defendant admits identity. Warrant of Removal signed. Defendant ordered removed to Northern District of California. (Interpreter Daniel Novoa, Gabriela Sosa). (CD# 6/3/2021 JLB 21: 11:48-11:54). (Plaintiff Attorney Julie Bauman, AUSA). (Defendant Attorney Holly Sullivan, FD). (no document attached) (als) (Entered: 06/04/2021)
06/04/2021	10	NOTICE to Receiving District: (Northern District of California) , of Case Removal, as to Daniel Ortega. The following documents are available on the public docket: 1 Out of District Complaint, 8 Waiver of Rule 5 Hearings, 4 Notice of Attorney Appearance - Defendant, 3 Notice of Attorney Appearance - USA. Additional documents will be sent via Email. To request additional transfer information and/or to submit acknowledgment re receipt of transfer, please email InterdistrictTransfer_CASD@casd.uscourts.gov. (zda) (Entered: 06/04/2021)